

ORIGINAL

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
Bid Protest

09-476 C

PLANETSPACE INC.)
39 South LaSalle)
Suite 600)
Chicago, IL 60603)

Plaintiff,)

v.)

UNITED STATES OF AMERICA)

SERVE:)

Attorney in Charge of Litigation)

U.S. Department of Justice)

Civil Division)

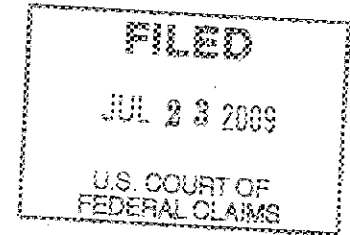
Commercial Litigation Branch)

1100 L St., N.W., 8th Floor)

Washington, D.C. 20530)

Defendant.)

No. _____



NOTICE OF RELATED CASE

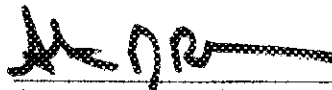
Pursuant to RCFC 40.2, counsel for Plaintiff PlanetSpace hereby gives notice that this bid protest case is related to the following prior, closed lawsuit in this Court: *PlanetSpace, Inc. v. United States*, 09-0099C. That prior action involved a motion to reinstate the automatic stay of performance of a government contract that was then subject to a General Accounting Office bid protest. The prior action was assigned to the Honorable Judge Robert H. Hodges, Jr.

While the present action involves the same contracting action and parties, the prior action was not itself a bid protest, but was limited to an examination of the United States' decision to override the automatic stay during the pendency of the GAO bid protest. The Court

emphasized that its review was limited to determining whether the NASA override decision was arbitrary and capricious, and that the Court was not engaging "in any consideration of the merits of the underlying contract award." *PlanetSpace Inc. v. United States*, No. 09-0099C (Fed. Cl. Mar. 13, 2009).

The motion to reinstate the automatic stay was denied and the prior action was closed. As such, this situation does not implicate the question whether assigning multiple cases to a single judge would "conserve judicial resources and promote the efficient administration of justice," *see* RCFC 40.2(a)(3)(A)(iii).

Respectfully submitted,




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PlanetSpace Inc.

July 23, 2009

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of Plaintiff's Notice of Related Cases, to be served by hand delivery, upon the following person in accordance with Rule 40.2 of the Rules of the Court of Federal Claims on the 23rd day of July, 2009:

Attorney in Charge of Litigation
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